

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**BOARD OF TRUSTEES OF THE OHIO
LABORERS' FRINGE BENEFIT
PROGRAMS,**

Plaintiffs,

v.

**Civil Action 2:19-cv-602
Judge James L. Graham
Magistrate Judge Kimberly A. Jolson**

T&A CONSTRUCTION, INC.,

Defendant.

REPORT AND RECOMMENDATION

This is an action for unpaid fringe benefit contributions, statutory interest, and other damages under ERISA, 29 U.S.C. § 1132. After Defendant was served and failed to plead or otherwise defend this action, Plaintiffs applied to the Clerk for entry of default. (Doc. 5). The Clerk entered default pursuant to Federal Rule Civil Procedure 55(a) on March 27, 2019. (Doc. 6). On July 3, 2019, Plaintiffs filed a Motion for Default Judgment against Defendant. (Doc. 21).

Upon review of the Motions and corresponding exhibits and affidavits, it is **RECOMMENDED** that Plaintiffs' Motion (Doc. 21) be **GRANTED** and judgment be entered in favor of Plaintiffs and against Defendant as follows:

- \$56,067.22 in unpaid fringe benefit contributions, liquidated damages and interest for the period April 1, 2017–April 30, 2019;
- \$7,646.00 in attorneys' fees plus interest from the time of judgment at the rate of 1% per month, and the costs of this action.

If any party objects to this *Report and Recommendation* ("R&R"), that party may, within fourteen days of the date of this R&R, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with

supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. 636(B)(1).

The parties are specifically advised that failure to object to this R&R will result in a waiver of the right to have the District Judge review the R&R *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the R&R. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: July 5, 2019

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE